REMARKS/ARGUMENTS

The Office Action of July 2, 2007, has been carefully reviewed and these remarks are responsive thereto. Claims 35 has been amended to remedy a typographical error. Claim 37 is new. No new matter has been added. Claims 1-37 remain pending after entry of this amendment. Reconsideration and allowance of the application are respectfully requested.

Rejections Under 35 U.S.C. § 101

Claims 1-10 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. Claims 1-10 recite, among other things, "[a] computer readable medium storing a data structure defining a window for drawing on a desktop representation displayed on a display device." The Office Action states that data structures fail to fit any of the four statutory classes of invention. Office Action, page 2, section 3. While 35 U.S.C. § 101 precludes patentability for non-functional descriptive material, functional descriptive material is patentable. MPEP 2106.01. Data structures stored on computer readable medium are specific electrical or magnetic structural elements in a memory. *In re Lowry*, 32 F.3d 1579, 1583-84 (Fed. Cir. 1994). Data structures stored on computer readable mediums are functional and provide tangible benefits, rendering them statutory material under 35 U.S.C. § 101. *Id.*; MPEP 2106.01. Claims 1-10 claim data structures stored on computer readable medium, which is statutory material under 35 U.S.C. § 101. Given the definitions of statutory material regarding data structures stored on computer readable medium in *In re Lowry* and the MPEP, and in view of the fact the Office Action presents no contrary authority, Applicants request that this rejection of claims 1-10 be withdrawn.

There being no other rejections of claims 1-10, Applicants respectfully request an indication of allowance of claims 1-10 in the next correspondence from the Office.

Rejections Under 35 U.S.C. § 103(a)

Claims 11-36 stand rejected under 35 U.S.C. § 103(a) for being unpatentable over Hoppe and in further view of Official Notice that windows would have been obvious as being in general use. Applicants traverse.

In rejecting claim 11, the Office Action is deficient in providing specific locations where the Hoppe reference teaches the claimed limitations. In addition, the Office Action fails to address all the features of claim 11. Specifically, amended Claim 11 recites:

> "[a] data processing system comprising: a memory storing window properties comprising, for a plurality of windows for which properties are stored, properties for a base object and properties for one or more primary content objects; a compositing desktop window manager software module that composes a desktop based on the window properties of each window for which properties are stored, wherein for one of the plurality of windows for which properties are stored, the memory stores a plurality of primary content objects."

In response to the detail mentioned above, the Office Action's entire rejection to claim 11 consists of "Hoppe teaches the claimed data processing system comprising: [quotes body of claim 11] as *a base mesh and selective refinement*." Office Action, page 3 (emphasis added).[1] However, "a base mesh and selective refinement" does not teach or suggest the above features of claim 11. For example, the cited reference does not teach or suggest the claimed compositing desktop window manager, as evidenced by the Office Action not event attempting to indicate where such a feature is shown in the cited reference.

Instead, the Hoppe reference describes progressive meshes, which are models or computer graphics represented using triangle meshes. Hoppe, page 100, section 2. Hoppe also describes a process which incrementally rebuilds or refines an image formed from triangular meshes to avoid discontinuities. *Id.* at page 101, section 3.3. The Office Action broadly states that Hoppe teaches all the elements of claim 1 other than explicitly teaching windows, which is allegedly obvious as being in general use. Office Action, page 3, section 5. Assuming *arguendo*, but not conceding, even if official notice of windows being in general use is appropriate, the Hoppe reference does not suggest, teach, or disclose the remaining limitations of Claim 11. Other deficiencies in the rejection of claim 11 are evident as well, and the Office Action therefore fails to establish even a *prima facie* rejection of claim 11.

Claims 12-20 and 37 directly or indirectly depend from claim 11 and are patentably distinct and allowable for at least the reasons discussed in reference to claim 11, and further in view of the additional features recited therein.

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[1] The Office Action also states that "Windows are not explicitly taught," but takes Official Notice that the Windows were in general use.

The Office Action rejects claim 21 as "being similar to claim 11 and rejected under similar rationale." Office Action, page 5, paragraph 5. However, claim 11 and claim 21 are similar only insofar that both claims contain elements of a base object and primary content objects. By rejecting claim 21 on similar grounds to claim 11, the Office Action is deficient in explaining where Hoppe teaches or otherwise suggests the remaining features in claim 21, e.g., "receiving window information from an instance of an application program." The Office Action therefore also fails to establish a *prima facie* rejection of claim 21.

In addition, neither Hoppe nor Official Notice of windows, even if appropriate, suggests, teaches, or otherwise describes a computer implemented method of displaying a window in a graphical user interface of a shell of an operating system, comprising: receiving window information from an instance of an application program; and rendering a window having a base object and a plurality of discrete primary content objects. For at least these additional reasons, claim 21 is patentably distinct and allowable over Hoppe in view of Official Notice. Claims 22-30 directly or indirectly depend from claim 21 and are patentably distinct and allowable for at least the reasons discussed above in respect to claim 21.

Claim 31 is rejected as being similar to claim 11 and claim 30. Office Action, page 5, paragraph 5; Office Action, page 6, paragraph 2. Claim 31 recites:

> "[a] method for resizing a window having two primary content objects, the window defined in part by a mesh, comprising: dividing the mesh into three regions per mesh dimension; for each region, maintaining offsets of mesh vertices in any dimension by which the region is bounded by a bounding box of the window, and scaling mesh vertices in any dimension by which the region is not bounded by the bounding box of the window."

Claims 11 and 31 are dissimilar, in that claim 11 is directed to a data processing system comprising, among other things, a memory storing window properties and claim 31 is directed to a method for resizing a window. Therefore rejecting claim 31 for similar reasons to claim 11 is insufficient, and again fails to establish even a *prima facie* rejection of claim 31.

In rejecting claim 31 for similar reasons as claim 30, the Office action states that Hoppe teaches the elements of claim 30 in figures 1 and 2 and in sections 3 and 4, with Official Notice with respect to windows. Office Action, page 6, paragraph 1. Hoppe, in figure 1 teaches an

edge collapse transformation where 2 adjacent vertices are unified into a single vertex. Hoppe, page 100, section 3.1, Figure 1. Figure 2 teaches a sequence of edge collapses where 7 vertices are transformed into 3 vertices. *Id.* at Figure 2. While Hoppe describes transformation and optimization of meshes in computer graphics, neither figures 1 and 2, nor sections 3 and 4 teach the features of claim 30. Hoppe does not describe or otherwise suggest a method for resizing a window having two primary content objects. Furthermore, Hoppe does not suggest, teach or otherwise describe dividing the mesh into three regions per mesh dimension, and for reach region, maintaining offsets of mesh vertices in any dimension by which the region is bounded by a bounding box of the window, and scaling mesh vertices in any dimension by which the region is not bounded by the bounding box of the window. For at least these reasons, claim 31 is patentably distinct and therefore allowable over Hoppe in view of Official Notice. Claims 32-34 directly or indirectly depend from claim 31 and are patentably distinct and allowable for at least the reasons discussed in reference to claim 31.

The Office Action rejects claim 35 as being taught by Figure 1 of Hoppe where the polygons diagonally opposed are disconnected, the base frame being a window displaying the mesh, provided by the operating system. Page 7, paragraph 1. Claim 35 recites:

> "One or more computer readable media storing computer executable instructions for providing a graphical user interface in a window rendered on a computer display device, said user interface comprising:
> a first primary content region within the window, said first primary content region corresponding to first content provided by an application program;
> a second primary content region within the window, visually disconnected from said first primary content region, said second primary content region corresponding to second content provided by the application program;
> a base frame region encircling each of said first primary content region and said second primary content region, said base frame region corresponding to content provided by an operating system."

As discussed above, Figure 1 shows an edge collapse formation. An edge collapse formation does not teach or suggest a user interface comprising: a first primary content region within the window, said first primary content region corresponding to first content provided by an application program; a second primary content region within the window, visually disconnected from said first primary content region, said second primary content region corresponding to second content provided by the application program; a base frame region encircling each of said

first primary content region and said second primary content region, said base frame region corresponding to content provided by an operating system, as claimed. For at least this reason, Claim 35 is patentably distinct and allowable over Hoppe. Claim 36 depends from claim 35 and is patentably distinct and allowable for at least the reason discussed above in reference to claim 35.

For all the aforementioned reasons, Applicants respectfully request that the rejection of claims 11-36 be withdrawn.

Conclusion

Should the Commissioner find that a fee is due for this amendment, authorization is hereby given to charge any such fee, to Deposit Account 19-0733. If there are any questions the Examiner is invited to contact the undersigned at (202) 824-3153.

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Respectfully submitted,

BANNER & WITCOFF, LTD.

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